

AMENDED IN SENATE APRIL 13, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 959

Introduced by Senator Ducheny
(Principal coauthor: Assembly Member Caballero)

February 5, 2010

An act to add and repeal Article 3.5 (commencing with Section 65946) of Chapter 4.5 of Division 1 of Title 7 of *Sections 65913.3 and 65922.3* to the Government Code, relating to development, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 959, as amended, Ducheny. Development: expedited permit review.

(1) Existing law requires various applications and permits in connection with land use and development. Existing law requires a public agency that is the lead agency for a development project to approve or disapprove the project within certain periods. Existing law creates the Office of Planning and Research in the Governor's Office.

~~This bill would require the Office of Planning and Research, or its successor agency, in consultation with the Natural Resources Agency and the California Environmental Protection Agency, to develop a consolidated project information form that may be used by applicants for development projects. The bill would permit applicants for development projects to submit the form to the Office of Planning and Research for distribution to appropriate agencies, which the office would be required to do within 3 days of receipt. The bill would require agencies, within 30 days of receipt of the form from the Office of Planning and Research, to notify the office, in writing, if a permit from~~

~~that agency may be required and to send the office the appropriate permit forms. The bill would require the office, within 15 days of receipt of the completed form from an agency, to notify the applicant for a development project, in writing, of any permits required and to send the applicant the appropriate permit application forms received by the office. The bill would permit the office to charge a reasonable fee for these services, as specified.~~

~~The~~

~~This bill would also require the Office of Planning and Research to develop guidelines that would provide technical assistance to counties and cities in establishing and operating an expedited development permit process, as specified. The bill would require every city, county, or city and county to provide for coordination of review and decisionmaking and the provision of information regarding the status of all applications and permits for residential, commercial, and industrial developments by a single administrative entity, as defined. By creating a new duty for local agencies, this bill would impose a state-mandated local program. The bill would permit the administrative entity to coordinate the review and decisionmaking process with other affected entities.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~(3) This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.~~

~~State-mandated local program: yes.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Article 3.5 (commencing with Section 65946) is~~
- 2 ~~added to Chapter 4.5 of Division 1 of Title 7 of the Government~~
- 3 ~~Code, to read:~~

Article 3.5. Expedited Permit Review

~~65946. (a) The Office of Planning and Research, or its successor agency, in consultation with the Natural Resources Agency and the California Environmental Protection Agency, shall develop a consolidated project information form that may be used by applicants for development projects. This form shall provide for sufficient information to allow state agencies to determine whether or not the project will be subject to the requirements for a permit from the agency.~~

~~(b) Applicants for development projects may submit the form provided by subdivision (a) to the Office of Planning and Research for distribution to state agencies that have permit responsibilities for development projects. The Office of Planning and Research shall send copies of the form to the appropriate agency within three days of receipt.~~

~~(c) Within 30 days of receipt of the form, each agency shall notify the Office of Planning and Research, in writing, whether or not a permit from that agency may be required and it shall send the Office of Planning and Research the appropriate permit application forms.~~

~~(d) Within 15 days of receipt of the completed form from an agency, the Office of Planning and Research shall notify the applicant for a development project, in writing, of any permits required for the project specified, and it shall send the applicant the appropriate permit application forms received from the state agencies.~~

~~(e) The Office of Planning and Research, in consultation with the Natural Resources Agency and the California Environmental Protection Agency, shall develop a consolidated project application form that may be used by applicants for development projects.~~

~~(f) Each state agency may develop an agency consolidated project application form that may be used by applicants for development projects. The application form shall contain sufficient information to allow the agency and any department, commission, board, or other administrative division within that agency to act on a permit.~~

~~(g) The Office of Planning and Research may charge an applicant for a development project a fee not to exceed the estimated reasonable cost of providing the services performed~~

1 pursuant to this section. Before levying or charging a fee, the Office
2 of Planning and Research shall adopt or amend regulations pursuant
3 to the Administrative Procedures Act (Chapter 3.5 (commencing
4 with Section 11340) of Part 1 of Division 3 of Title 2). The Office
5 of Planning and Research shall make available to the public, upon
6 request, data indicating the amount of cost, or estimated cost,
7 required to provide the service and the revenue sources anticipated
8 to provide the service, including general or special fund revenues.

9 ~~65947. The Office of Planning and Research shall develop~~

10 *SECTION 1. Section 65913.3 is added to the Government Code,*
11 *to read:*

12 *65913.3. (a) Every city, county, or city and county shall*
13 *provide for coordination of review and decisionmaking and the*
14 *provision of information regarding the status of all applications*
15 *and permits for residential, commercial, and industrial*
16 *developments, as required by the city, county, or city and county,*
17 *by a single administrative entity. For the purposes of this section,*
18 *“administrative entity” means a person or agency designated by*
19 *the legislative body of the city, county, or city and county to*
20 *coordinate the review and decisionmaking and provide information*
21 *regarding the status of all permits or applications required by the*
22 *local agency.*

23 *(b) A city, county, or city and county may adopt, by resolution*
24 *or ordinance, procedures for the implementation of this section*
25 *by the designated administrative entity.*

26 *(c) At the request of an applicant, the administrative entity may*
27 *coordinate the review and decisionmaking process with affected*
28 *special districts and the administrative entity designated by the*
29 *legislative body of any other city, county, or city and county in the*
30 *jurisdiction of which the application for approval of the*
31 *development is also being made, in order to provide concurrent*
32 *processing within those jurisdictions.*

33 *SEC. 2. Section 65922.3 is added to the Government Code, to*
34 *read:*

35 *65922.3. The Office of Planning and Research shall develop*
36 *guidelines to provide technical assistance to counties and cities in*
37 *establishing and operating an expedited development permit*
38 *process. In developing the guidelines, local variations in population*
39 *rate of growth, types of proposed development projects, geography,*
40 *and differences in local government structure shall be recognized.*

1 The guidelines for a local permit process shall include, but not be
2 limited to, all of the following elements:

3 (a) A central contact point with a public agency where all permit
4 applications can be filed and information on all permit requirements
5 can be obtained.

6 (b) A referral process that provides for one or a combination of
7 the following elements:

8 (1) Refers the applicant to the appropriate functional area for
9 resolution of problems and fulfillment of requirements.

10 (2) Refers the applicant to cities within the county in whose
11 sphere of influence the proposed project lies for review, comment,
12 or imposition of condition permits.

13 (3) Assigns an individual from the local government to be
14 responsible for guiding the application through all local permit
15 bodies.

16 (c) A master permit document that covers permits for all
17 functional areas and that could be used for obtaining the approvals
18 of the various functional areas.

19 (d) A method of tracking progress on various permit
20 applications, that may include identifying a staff person responsible
21 for monitoring permits.

22 (e) A determination as to the completeness of the master permit
23 document upon its submission and a written statement of specific
24 information that is missing, if any.

25 (f) Timetables for action on individual permits.

26 (g) A variety of administrative mechanisms that will describe
27 the least costly approaches for implementation in a variety of local
28 circumstances.

29 ~~65948. (a) Every city, county, or city and county shall provide~~
30 ~~for coordination of review and decisionmaking and the provision~~
31 ~~of information regarding the status of all applications and permits~~
32 ~~for residential, commercial, and industrial developments, as~~
33 ~~required by the city, county, or city and county, by a single~~
34 ~~administrative entity. For the purposes of this section,~~
35 ~~“administrative entity” means a person or agency designated by~~
36 ~~the legislative body of the city, county, or city and county to~~
37 ~~coordinate the review and decisionmaking and provide information~~
38 ~~regarding the status of all permits or applications required by the~~
39 ~~local agency.~~

1 ~~(b) A city, county, or city and county may adopt, by resolution~~
2 ~~or ordinance, procedures for the implementation of this section by~~
3 ~~the designated administrative entity.~~

4 ~~(c) At the request of an applicant, the administrative entity may~~
5 ~~coordinate the review and decisionmaking process with affected~~
6 ~~special districts and the administrative entity designated by the~~
7 ~~legislative body of any other city, county, or city and county in~~
8 ~~the jurisdiction of which the application for approval of the~~
9 ~~development is also being made, in order to provide concurrent~~
10 ~~processing within those jurisdictions.~~

11 ~~SEC. 2.~~

12 ~~SEC. 3.~~ If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

17 ~~SEC. 3.~~

18 ~~SEC. 4.~~ This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or safety within
20 the meaning of Article IV of the Constitution and shall go into
21 immediate effect. The facts constituting the necessity are:

22 The continued economic crisis in the state requires immediate
23 attention, ~~in order to provide~~ *and* an expedited permit process that
24 will allow long stalled development projects to commence, ~~and~~
25 ~~will~~ serve as a ~~nexus basis~~ for new economy stimulating
26 development in the state.